



President: Sherri Talkington
Executive Director: Joe White



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October 31, 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Governor Jim Justice
Office of the Governor
State Capitol
1900 Kanawha Blvd, E.
Charleston, WV 25305

Attorney General Patrick Morrissey
Office of the Attorney General
State Capitol Complex, Bldg. 1, Room E-26
1900 Kanawha Blvd, E.
Charleston, WV 25305

Dear Governor Justice and Attorney General Morrissey:

On behalf of the West Virginia School Service Personnel Association (WVSSPA), Joe White, its Executive Director, and its representative members, David Thompson and Kimberly Mitchell (hereinafter referred to collectively as "WVSSPA"), I am writing to provide notice of WVSSPA's intent to institute a legal proceeding against a government agency pursuant to West Virginia Code §55-17-1, et al., regarding the unconstitutionality of an Act of the Extraordinary Session of the Legislature of West Virginia, 2019, House Bill 206 (hereinafter "House Bill 206").

WVSSPA asserts that House Bill 206 violates the West Virginia Constitution by implementing a statutory scheme permitting a school district or districts to utilize public resources, including but not limited to tax revenues, to establish and operate an independent free school district or organization, without first obtaining approval of the majority of the voters on the question of creating an independent free school or organization.

Article 12, § 10 of the West Virginia Constitution states that:

No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

WVSSPA asserts that House Bill 206 and, in particular, West Virginia Code § 18-5G-1, et seq., runs afoul of this constitutional requirement, because it permits the creation of charter schools (an independent free school district or organization) within certain district boundaries and without first requiring approval of a majority of the voters thereupon. House Bill 206 also limits enrollment, which is contrary to an open, public school system.

Gov. Jim Justice
Att'y Gen'l Patrick Morrissey
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WVSSPA reserves the right to add, amend or otherwise revise its claims in this matter, as dictated by the facts of this case.

Should you have any questions with regards to the foregoing, please do not hesitate to contact me.

Sincerely,



George B. Morrone III, Esq.
General Counsel - WVSSPA

GBM/cdr